

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

In re: :
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IVY K. NIMLEY : BK No. 08-12816
Debtor Chapter 13

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ORDER DENYING DEBTOR'S MOTION TO RECONSIDER

Heard on the Debtor's Motion to Reconsider this Court's Order granting Deutsche Bank's Motion for Relief from Stay, Nunc Pro Tunc, to Validate Foreclosure Sale. Deutsche Bank objects.

Under Fed. R. Civ. P. 60(b), made applicable by Fed. R. Bankr. P. 9024, "relief from an order can be granted for a clerical mistake or for mistake, inadvertence, surprise, excusable neglect, newly-discovered evidence, fraud, misrepresentation, misconduct, where the order is void or has been satisfied, released, or discharged or is no longer equitable, or for any other reason justifying relief from the order. Relief under Rule 60 is extraordinary and lies within the court's discretion." *Crofford v. Conseco Fin. Serv. Corp. (In re Crofford)*, 277 B.R. 109, 113 (B.A.P. 8th Cir. 2002). "To succeed on a motion to reconsider, the Court requires that the moving party show newly discovered evidence or a manifest error of fact or law." *In re Curtis*, 322 B.R. 470, 480 (Bankr. D. Mass. 2005).

From its inception, this case has consisted of a series of representations, continuances, expectations, and repeated requests for more time. Throughout, none of the Debtor's projections,

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expectations, or promises have been fulfilled. Upon consideration of the arguments, and for the reasons stated by Deutsche Bank in its Objection, which are adopted and incorporated herein by reference, and based upon the entire record in this case which was filed on September 11, 2008, the Court finds that the Debtor has failed to meet her burden under Fed. R. Civ. P. 60(b). Accordingly, reconsideration is **DENIED**.

Enter Judgment consistent with this Order.

Dated at Providence, Rhode Island, this 24th day of June, 2009.



Arthur N. Votolato
U.S. Bankruptcy Judge

Entered on docket: 06/24/09